

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN S. HENDRICKS, ALFRED E. BONNER, RICHARD E.  
WUNDERLICH and ERIC C. BERKOBIN

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Application 09/396,428

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

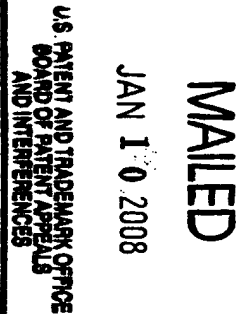
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This application was received electronically at the Board of Patent Appeals and Interferences on December 31, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing is identified below:

**APPEAL BRIEF**

The review of the file reveals that in the Appeal Brief filed February 28, 2007 under the heading "Status of Claims" states claim 3 is cancelled:

The Examiner Answer mailed July 2, 2007 under the heading



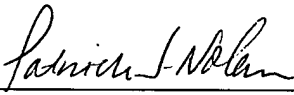
“Grounds of Rejection” states claim 3 is rejected under 35 USC 103.

Clarification of claim 3 is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to mail a PTOL-90 clarifying the status of claim 3; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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